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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/353,592	07/15/99	RIVERA	A 101054

027049
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IM22/0604

EXAMINER

HON, S

ART UNIT	PAPER NUMBER
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1772

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DATE MAILED: 06/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/353,592	Applicant(s) RIVERA ET AL.	
	Examiner Sow-Fun Hon	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply
 A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status
 1) ☒ Responsive to communication(s) filed on 19 January 2001.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims
 4) ☒ Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-30 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers
 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119
 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)
 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 20) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Rejections Withdrawn

1. The 35 U.S.C. 102(e) rejection in Paper # 6, paragraph 2 (mailed 01/19/01) of claims 1-14, 16-23 as being anticipated by Leung et al. has been withdrawn due to Applicant's arguments in Paper # 8 (filed 04/02/01).

Rejections Repeated

2. The 35 U.S.C. 103(a) rejection of claims 1-14, 16-30 as being unpatentable over Leung et al. has been repeated for the same reasons previously of record in Paper # 6, paragraph 4 (mailed 01/19/01).
3. The 35 U.S.C. 103(a) rejection of claim 15 as being unpatentable over Leung et al. has been repeated for the same reasons previously of record in Paper # 6, paragraph 5 (mailed 01/19/01).

Response to Arguments

4. Applicant's arguments in Paper # 8 (filed 04/02/01) with regards to the valid use of Leung et al. have been fully considered but they are not persuasive.
5. Applicant argues that Leung et al. fail to disclose the limitation of independent claim 1 that a rate modifier for the polymerizable or cross-linkable material is disposed on an outer surface of said inner container.

Leung et al. teach that the polymerizable and/or crosslinkable material is stored separately within the (inner) container so as not to contact the initiator (rate modifier), and that the (inner) container may be lined or coated with the initiator (rate modifier) (column 10, lines 43-55). When the terms “lined” and “coated” are paired in the alternative, it is obvious to one of ordinary skill in the art to coat the outer surface of the (inner) container as an alternative to lining the (inner) surface of the inner container. Leung et al.’s teaching that the polymerizable and/or crosslinkable material should not contact the initiator provides the motivation to separate the two. Because the terms “lined” and “coated” are paired in the alternative, it would have been obvious to one of ordinary skill in the art to have coated the outer surface of the inner container, with the rate modifier.

6. Applicant argues that Leung et al. fail to teach the instant limitation of a polymerizable or crosslinkable material selected from the group consisting of siloxanes, silicones, polysulfides and polyphosphazenes as combined with the limitations of claim 1.

Leung et al. do teach the materials (column 3, lines 60-68, column 4, lines 1-5), and the limitations of claim 1 as discussed above.

7. a) Applicant argues that the method steps of independent claim 24 which is directed to a method of making an applicator for dispensing a polymerizable or crosslinkable material, comprising sealing a polymerizable or crosslinkable material in an inner container, applying a rate modifier to an outer surface of said inner container, and disposing the inner container within an outer container having dispensing means, are not obvious over Leung et al., because Leung et al. does not teach or suggest each and every limitation of the claimed invention.

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b) Applicant argues that the method steps of claim 28 which depends on claim 1, which is directed to a method of applying a polymerizable or crosslinkable material to a substrate, comprising providing an applicator according to claim 1, opening said inner container to contact said material with said rate modifier, and dispensing said material from said outer container, are not obvious over Leung et al., because Leung et al. does not teach or suggest specific applicator of claim 1.

Leung et al. give an example where the monomer (polymerizable) material are in glass ampoules (sealed), squeezing the applicator tube to shatter the glass ampoule thus releasing the material (and contacting the rate modifier) and forcing the material out of the tip by squeezing the applicator tube (column 12, lines 15-25). The application of the rate modifier to the outer surface of the glass ampoule (termed "container" in column 10, lines 43-55). Therefore Leung et al. do teach or suggest the method steps.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (703)308-3265. The examiner can normally be reached Monday to Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703)308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

SH
05/31/07


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

6/1/07